

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE ENROLLED ACT No. 66

AN ACT to amend the Indiana Code concerning underground storage tanks.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-23-10-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The authority may use money in the fund to award grants to owners and operators to assist in the closure or removal of underground storage tanks.

(b) An owner or operator may receive a grant from the fund if the owner or operator meets the following requirements:

(1) The owner or operator closed or removed an underground storage tank:

(A) after December 31, 1997; and

(B) before July 1, 1998.

(2) The owner or operator submits an application for a grant to the authority on a form provided by the authority.

(3) The owner or operator owns or operates not more than twelve (12) underground storage tanks.

(4) The owner or operator:

(A) had an adjusted gross income of less than fifty thousand dollars (\$50,000) per year for the five (5) years immediately preceding the year the owner or operator submits an application for a grant; or



- (B) is a nonprofit corporation.
- ~~(4)~~ (5) The owner or operator has complied with the following:
 - (A) This article or IC 13-7-20 (before its repeal).
 - (B) Rules adopted under this article or IC 13-7-20 (before its repeal).
 - (C) 42 U.S.C. 6991 through 6991i.
 - (D) Regulations adopted under 42 U.S.C. 6991 through 6991i.
- ~~(5)~~ (6) The owner or operator has paid all registration fees that are required under IC 13-23-12.
- ~~(6)~~ (7) The owner or operator verifies that the:
 - (A) grant will be used to ~~close or remove~~ **compensate the owner or operator for closing or removing** an underground storage tank and will not be used to upgrade an underground storage tank; and
 - (B) owner or operator will not be involved in the distribution of motor fuels after the underground storage tank is closed or removed.
- ~~(7)~~ (8) The owner or operator submits any other information as required by the authority.

(c) The authority shall consider applications submitted under this section in the order the applications are received.

(d) The authority, department, and underground storage tank financial assurance board shall develop guidelines for awarding grants under this section.

SECTION 2. IC 13-23-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) **Except as provided in subsection (b),** a person who violates:

- (1) a requirement or standard set forth in this article; or
- (2) a rule adopted under IC 13-23-1-2 other than a violation described in section 2 of this chapter;

is subject to a civil penalty of not more than ten thousand dollars (\$10,000) per underground storage tank for each day of violation.

(b) **A person is not subject to the civil penalty described in subsection (a) if:**

- (1) **the violation arose from an underground storage tank that is on a brownfield;**
- (2) **the person was not the owner or operator of the underground storage tank when the violation first occurred;**
- (3) **the person does not dispense a regulated substance into or from the underground tank:**
 - (A) **for any purpose other than temporary or permanent closure; or**



**(B) in violation of any federal, state, or local regulations;
and**

(4) the underground storage tank is brought into compliance with this article not later than one (1) year after the person acquired ownership of the property.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) On July 1, 1999, the auditor of state shall transfer one hundred twenty thousand dollars (\$120,000) from the underground petroleum storage tank excess liability trust fund established by IC 13-23-7-1 to the underground storage tank guaranty fund established by IC 13-23-10-1. The Indiana development finance authority shall use money transferred to the underground storage tank guaranty fund under this SECTION to carry out the purposes of IC 13-23-10-10, as amended by this act.

(b) On July 1, 2001, the auditor of state shall transfer any money remaining in the underground storage tank guaranty fund established by IC 13-23-10-1 to the underground petroleum storage tank excess liability trust fund established by IC 13-23-7-1.

(c) This SECTION expires July 2, 2001.

SECTION 4. An emergency is declared for this act.

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